

## **REMARKS**

The Applicants respectfully request reconsideration in view of the following remarks and amendments. Claims 1, 3-6, 15, and 17-26 are amended. Accordingly, claims 1-26 are pending in the application.

### **I. Claims Rejected Under 35 U.S.C. § 103**

Claims 1-5, 11-14, 16-18, 20-21, 23, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0009137 filed by Nelson et al. (hereinafter “Nelson”) in view of U.S. Patent No. 5,416,510 issued to Lipton et al. (hereinafter “Lipton”).

Claim 1, as amended, recites the elements of “the encoding means forms a main layer, a first sub-layer, and a second sub-layer with the fields separated in the field separating means.” These amendments incorporate some of the limitations in claim 2. The Applicants will discuss here the Examiner’s rejection of claim 2 with respect to these elements. The Examiner on page 3 of the Office Action conceded that Nelson fails to teach or suggest the elements related to a main layer, first sub-layer, and a second sub-layer. Moreover, the portion of Lipton relied upon by the Examiner fails to teach or suggest these missing elements. In contrast, as illustrated in Fig. 24 of Lipton, the record output field sequence and real time display field sequence only includes a *single layer* of alternating even and odd fields. Thus, the elements of “a main layer, a first sub-layer, and a second sub-layer with the fields separated in the field separating means,” as recited in claim 1 are not disclosed in Lipton. As a result, in view of at least these reasons, Nelson in view of Lipton fails to teach or suggest each element of claim 1. Accordingly, reconsideration and withdrawal of the rejection of claim 1 are respectfully requested.

With respect to dependent claims 2-5 and 11-14, these claims are patentable over the cited art because each of these claims depends on claim 1. Accordingly, reconsideration and withdrawal of the rejection of claims 2-5 and 11-14 are respectfully requested.

With respect to independent claims 15, 23, and 25, these claims, as amended, recite analogous elements to the amendments discussed above in connection with claim 1. Thus, for the reasons discussed in connection with claim 1, claims 15, 23, and 25 are patentable over

Nelson and Lipton. In addition, in regard to dependent claims 16-18, 20, and 21, these claims are patentable over the art of record because each of these claims depends on claim 15. Accordingly, reconsideration and withdrawal of the rejection of claims 15-18, 20, 21, 23, and 25 are respectfully requested.

Claims 6-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson in view of Lipton in further view of U.S. Patent No. 6,614,936 issued to Wu et al. (hereinafter “Wu”).

With respect to dependent claims 6-10, these claims depend on claim 1 and incorporate the limitations thereof. Thus, for at least the reasons discussed in connection with claim 1, Nelson in view of Lipton fails to teach or suggest each element of claims 6-10. Moreover, the Applicants are unable to discern and the Examiner has failed to cite to the portion of Wu that teaches or suggests the missing elements. Consequently, for at least these reasons, claims 6-10 are patentable over the cited art. Accordingly, reconsideration and withdrawal of the rejection of claims 6-10 are respectfully requested.

Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson in view of Lipton in further view of U.S. Patent No. 6, 574,423 issued to Oshima et al. (hereinafter “Oshima”).

With respect to dependent claim 13, this claim depends on claim 1 and incorporates the limitations thereof. Thus, for at least the reasons discussed in connection with claim 1, Nelson in view of Lipton fails to teach or suggest each element of claim 13. Further, the Applicants are unable to discern and the Examiner has failed to cite to the section of Oshima that teaches or suggests the missing elements. Consequently, for at least these reasons, claim 13 is patentable over the cited art. Accordingly, reconsideration and withdrawal of the rejection of claim 13 are respectfully requested.

Claims 19 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson.

In regard to dependent claims 19 and 22, these claims are patentable over the art of record because each of these claims depends on claim 15. Accordingly, reconsideration and withdrawal of the rejection of claims 19 and 22 are respectfully requested.

**II. Claims Rejected Under 35 U.S.C. § 102**

Claims 15, 24, and 26 are rejected under 35 U.S.C. § 102(e) as being anticipated by Nelson. To establish an anticipation rejection the Examiner must show that the cited reference teaches each element of a claim.

With respect to claims 15, 24, and 26, these claims, as amended, recite analogous limitations to those in claim 1. Therefore, in view of at least the reasons discussed in connection with claim 1, Nelson fails to teach each element of claims 15, 24, and 26. Accordingly, reconsideration and withdrawal of the rejection of claims 15, 24, and 26 are respectfully requested.

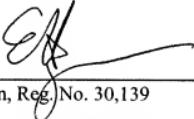
## **CONCLUSION**

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 3/18, 2008

  
Eric S. Hyman, Reg. No. 30,139

1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040  
(310) 207-3800

## **CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this paper is being transmitted online via EFS Web to the Patent and Trademark Office, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450 on 3/19, 2008.

  
Melissa Stead 3/19, 2008